

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH**

S.B. CIVIL WRIT PETITION NO.559/03

Radhey Shyam Sharma

Versus

Managing Director & Anr.

DATE OF ORDER :: 18/05/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

None present for petitioner
Mr. R.K. Sharma, for respondents

Instant petition has been filed by petitioner assailing the notice of recovery served upon him dated 19th December, 2002 [Ann.3].

Petitioner took loan of Rs.13,000/- on 14th September, 1993 on repayment of 60 equal monthly instalments, but failed to pay its instalment. On account of non-payment, respondents issued a notice u/s.117 of Rajasthan Co-operative Societies Act, 1965 on 11th September, 2000 which was served upon petitioner on 14th September, 2000 calling upon him to pay the outstanding dues for a sum of Rs.37038/- within 7 days and if he disputes the demand, written explanation be submitted by him. Against the notice dated 11/09/2000, petitioner approached this court and interim order was passed on 24th January, 2003 that if petitioner deposits Rs.16,000/- with the respondents, no coercive steps will be taken by respondents for recovery of the outstanding amount.

Respondents have filed reply to the writ petition in the month of July, 2003 and even by that time, no payment was made by petitioner even as observed by this court under its interim order dated 24th January, 2003.

Undisputedly after the notice served upon petitioner u/s.117 of the Act, he has failed to submit objection and apart from it, the final order passed by respondents, is appealable u/s.124 of the Act. In view of alternative remedy available to petitioner in assailing the notice served upon him, this court is not inclined to exercise extraordinary jurisdiction of this court under Article 226 of the Constitution of India.

Consequently, the writ petition fails and is hereby dismissed.

[AJAY RASTOGI], J.

FRBOHRA, JR.P.A.